

Plaintiff's 6/7/06
deposition,
with exhibits
Part 1

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1 (Pages 287 to 290)

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<p align="center">IN THE UNITED STATE DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION</p> <p>CIVIL ACTION NUMBER CV-2:05CV-1040-WKW</p> <p>DORA DAVIS, Plaintiff(s), vs. ALBANY INTERNATIONAL, JEFF JOHNSTON, Defendant(s).</p> <p align="center">VOLUME II DEPOSITION TESTIMONY OF: DORA DAVIS</p> <p>June 7, 2006 9:00 a.m.</p> <p>COURT REPORTER: DAVID L. MILLER, CSR, RMR</p>	<p>grounds at the time of trial or at the time said deposition is offered in evidence, or prior thereto.</p> <p align="center">I N D E X</p> <table> <tr> <td>EXAMINATION BY:</td> <td>PAGE NO.</td> </tr> <tr> <td>Mr. Powell</td> <td>292, 394</td> </tr> <tr> <td>Ms. Swain</td> <td>332</td> </tr> <tr> <td>Ms. Williams</td> <td>361</td> </tr> <tr> <td>Certificate</td> <td>424</td> </tr> </table> <p align="center">INDEX OF EXHIBITS</p> <table> <tr> <td>EXHIBITS</td> <td>PAGE NO.</td> </tr> <tr> <td>DEFENDANT'S 16 Job site analysis</td> <td>326</td> </tr> <tr> <td>DEFENDANT'S 17 EEOC letter</td> <td>320</td> </tr> <tr> <td>PLAINTIFF'S 1 M-300 Study</td> <td>381</td> </tr> <tr> <td>PLAINTIFF'S 2 Notice to dismiss</td> <td>387</td> </tr> <tr> <td>PLAINTIFF'S 3 Order</td> <td>388</td> </tr> </table>	EXAMINATION BY:	PAGE NO.	Mr. Powell	292, 394	Ms. Swain	332	Ms. Williams	361	Certificate	424	EXHIBITS	PAGE NO.	DEFENDANT'S 16 Job site analysis	326	DEFENDANT'S 17 EEOC letter	320	PLAINTIFF'S 1 M-300 Study	381	PLAINTIFF'S 2 Notice to dismiss	387	PLAINTIFF'S 3 Order	388
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<p align="center">Page 288</p> <p>1 S T I P U L A T I O N 2 I T I S S T I P U L A T E D A N D A G R E E D b y a n d 3 b e t w e e n t h e p a r t i e s t h r o u g h t t h e i r 4 r e s p e c t i v e c o u n s e l t h a t t h e d e p o s i t i o n o f 5 D O R A D A V I S, m a y b e t a k e n b e f o r e D a v i d L. 6 M i l l e r, R e g i s t e r e d M e r i t R e p o r t e r a n d 7 N o t a r y P u b l i c, S t a t e a t L a r g e, a t t h e l a w 8 o f f i c e s o f T o l e s & W i l l i a m s, M o n t g o m e r y, 9 A l a b a m a, o n J u n e 7, 2 0 0 6, c o m m e n c i n g a t 10 a p p r o x i m a t e l y 9 : 0 0 a . m . 11 I T I S F U T H E R S T I P U L A T E D A N D A G R E E D 12 t h a t t h e s i g n a t u r e t o a n d t h e r e a d i n g o f 13 t h e d e p o s i t i o n b y t h e w i t n e s s i s w a i v e d, 14 t h e d e p o s i t i o n t o h a v e t h e s a m e f o r c e a n d 15 e f f e c t a s i f f u l l c o m p l i a n c e h a d b e e n h a d 16 w i t h a l l l a w s a n d r u l e s o f C o u r t r e l a t i n g 17 t o t h e t a k i n g o f d e p o s i t i o n s . 18 I T I S F U R T H E R S T I P U L A T E D A N D 19 A G R E E D t h a t i t s h a l l n o t b e n e c e s s a r y f o r 20 a n y o b j e c t i o n s t o b e m a d e b y c o u n s e l t o 21 a n y q u e s t i o n s, e x c e p t a s t o f o r m o r 22 l e a d i n g q u e s t i o n s, a n d t h a t c o u n s e l f o r 23 t h e p a r t i e s m a y m a k e o b j e c t i o n s a n d a s s i g n</p>	<p align="center">Page 290</p> <p>1 A P P E A R A N C E S 2 3 F O R T H E P L A I N T I F F (S) : 4 T r i a n a S . W i l l i a m s 5 V i c k y U . T o l e s 6 T O L E S & W I L L I A M S 7 1 0 1 5 S o u t h M c D o n o u g h S t r e e t 8 M o n t g o m e r y, A l a b a m a 3 6 1 0 4 9 10 F O R T H E D E F E N D A N T, A L B A N Y : 11 C h a r l e s A . P o w e l l, I V 12 B A K E R, D O N E L S O N, B E A R M A N, C A L D W E L L 13 & B E R K O W I T Z 14 1 6 0 0 S o u t h T r u s t T o w e r 15 4 2 0 2 0 t h S t r e e t N o r t h 16 B i r m i n g h a m, A l a b a m a 3 5 2 0 3 17 18 F O R T H E D E F E N D A N T, J O H N S T O N : 19 J e n n i f e r F . S w a i n 20 J O H N S T O N, B A R T O N, P R O C T O R & P O W E L L 21 2 9 0 0 A m S o u t h / H a r b e r t P l a z a 22 1 9 0 1 S i x t h A v e n u e N o r t h 23 B i r m i n g h a m, A l a b a m a 3 5 2 0 3</p>																						

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<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ALSO PRESENT:</p> <p>4 Jeff Johnston</p> <p>5 Ted Bryant</p> <p>6 DeMonica Richeson</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 to try to finish up your deposition in</p> <p>2 your case against Albany International and</p> <p>3 Jeff Johnston.</p> <p>4 The format will be the same as</p> <p>5 it was last time, questions and answers,</p> <p>6 so we are going to operate by the same</p> <p>7 ground rules we did before, okay?</p> <p>8 A. Okay.</p> <p>9 Q. All right. Are you on any</p> <p>10 medication or anything this morning that</p> <p>11 would in any way impair your ability to</p> <p>12 testify?</p> <p>13 A. No.</p> <p>14 Q. Other than your attorneys,</p> <p>15 have you talked to anybody about your</p> <p>16 deposition since we last met?</p> <p>17 A. Yes.</p> <p>18 Q. Who?</p> <p>19 A. My daughter.</p> <p>20 Q. Okay. She is here with us</p> <p>21 today?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. DeMonica --</p>
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<p>1 I, David L. Miller, a Registered</p> <p>2 Merit Report of Birmingham, Alabama, and a</p> <p>3 Notary Public for the State of Alabama at</p> <p>4 Large, acting as Commissioner, certify</p> <p>5 that on this date, pursuant to the Federal</p> <p>6 Rules of Civil Procedure, and the</p> <p>7 foregoing stipulation of counsel, there</p> <p>8 came before me at the law offices of Toles</p> <p>9 & Williams, Montgomery, Alabama,</p> <p>10 commencing at approximately 9:00 a.m. on</p> <p>11 June 7, 2006, DORA DAVIS, witness in the</p> <p>12 above cause, for oral examination,</p> <p>13 whereupon the following proceedings were</p> <p>14 had:</p> <p>15</p> <p>16 COURT REPORTER: Ms. Davis,</p> <p>17 you are still under oath.</p> <p>18</p> <p>19 EXAMINATION BY MR. POWELL (continued):</p> <p>20 Q. Good morning, Ms. Davis. How</p> <p>21 are you?</p> <p>22 A. I'm okay.</p> <p>23 Q. All right. We are here today</p>	<p>1 A. Richeson.</p> <p>2 Q. Okay. What does your daughter</p> <p>3 do?</p> <p>4 A. She works for Montgomery Water</p> <p>5 Works.</p> <p>6 Q. Has she ever worked at Albany</p> <p>7 International?</p> <p>8 A. No.</p> <p>9 Q. To your knowledge, did she</p> <p>10 ever work with Jeff Johnston or Ted</p> <p>11 Bryant?</p> <p>12 A. Excuse me. She did do some</p> <p>13 help a -- about a week at Albany</p> <p>14 International.</p> <p>15 Q. Do you remember when that was?</p> <p>16 A. No.</p> <p>17 Q. Which department did she work</p> <p>18 in?</p> <p>19 A. I think it was like throughout</p> <p>20 the plant.</p> <p>21 Q. Any idea how long ago that</p> <p>22 was?</p> <p>23 A. No.</p>

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<p>1 Q. Okay. In the August to</p> <p>2 October of 2003 time frame, had your</p> <p>3 daughter worked at the plant anywhere in</p> <p>4 that time frame?</p> <p>5 A. No.</p> <p>6 Q. To your knowledge, do you</p> <p>7 believe that your daughter has any</p> <p>8 personal knowledge of any of the events</p> <p>9 identified in your complaint in this</p> <p>10 lawsuit?</p> <p>11 A. No.</p> <p>12 Q. So what about your deposition</p> <p>13 did you discuss with your daughter?</p> <p>14 A. We just talked about the</p> <p>15 length, how long.</p> <p>16 Q. Okay. During your last</p> <p>17 deposition you had mentioned that you had</p> <p>18 gotten divorced. What is your husband's</p> <p>19 name -- former husband's name?</p> <p>20 A. Former husband's?</p> <p>21 Q. Yes. The most recent</p> <p>22 husband.</p> <p>23 A. William Davis.</p>	<p>1 FMLA process?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. Now, you told me last</p> <p>4 time you were together that Albany had</p> <p>5 never denied you FMLA leave if you</p> <p>6 presented the paperwork with information</p> <p>7 from your doctor that you needed to be</p> <p>8 off, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you have any reason</p> <p>11 to believe that your efforts to ask for</p> <p>12 FMLA leave at any point at Albany had</p> <p>13 anything to do with your departure from</p> <p>14 the company?</p> <p>15 A. I don't understand your</p> <p>16 question.</p> <p>17 Q. Well, you allege in the</p> <p>18 lawsuit, among other reasons, that you</p> <p>19 were fired because you asked for FMLA</p> <p>20 leave. I want to know if you, in fact,</p> <p>21 believe that any request by you for family</p> <p>22 leave was the reason for your discharge?</p> <p>23 A. I know that everytime I asked</p>
Page 296	Page 298
<p>1 Q. Okay. Where does Mr. Davis</p> <p>2 live?</p> <p>3 A. He lives in Millbrook,</p> <p>4 Alabama.</p> <p>5 Q. Okay. Do you know where he</p> <p>6 works?</p> <p>7 A. Yes.</p> <p>8 Q. Where?</p> <p>9 A. Montgomery Ford.</p> <p>10 Q. What does he do at Montgomery</p> <p>11 Ford?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. We talked a little bit</p> <p>14 when we were here last time about some</p> <p>15 previous FMLA leave that you had taken</p> <p>16 from the company. And I believe your</p> <p>17 testimony was that you either went to</p> <p>18 Linda Jones or to Mr. Bryant if you needed</p> <p>19 to request FMLA leave from Albany</p> <p>20 International, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. To your knowledge, did</p> <p>23 Mr. Johnston have any involvement in the</p>	<p>1 for medical help I was denied it.</p> <p>2 Q. You mean everytime you asked</p> <p>3 for help for your work place injuries?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do you believe -- on</p> <p>6 these occasions -- because I know we</p> <p>7 looked at some attendance records last</p> <p>8 time that indicated you had been approved</p> <p>9 for FMLA leave by Albany on at least one</p> <p>10 or two occasions.</p> <p>11 All right. Do you allege in</p> <p>12 this lawsuit that you were discharged</p> <p>13 because you sought family medical leave?</p> <p>14 Not Workers' Compensation issues, but do</p> <p>15 you believe that you were terminated</p> <p>16 because you sought family leave under the</p> <p>17 FMLA?</p> <p>18 A. I would say partly.</p> <p>19 Q. Okay. How?</p> <p>20 A. Because I was denied family</p> <p>21 leave. I asked for help -- I asked for</p> <p>22 medical help. I told them that my</p> <p>23 injuries were hurting me and I was hurting</p>

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<p>1 every day, and it was proved, and I was 2 denied. 3 Q. And these injuries that you 4 were seeking help for, these were your 5 Workers' Compensation injuries? 6 A. They were Workers' 7 Compensation injuries. 8 Q. Okay. Since you last worked 9 for Albany have you worked anywhere else? 10 A. No. 11 Q. Have you applied for work 12 anywhere else? 13 A. No. 14 Q. Have you been able to work 15 anywhere since you last worked at Albany? 16 A. No. 17 Q. Okay. And have you been able 18 to work anywhere since -- I believe August 19 the 21st of 2003 is the date that you were 20 declared disabled by Social Security. 21 A. No. 22 Q. Okay. As you sit here today, 23 you are not able to do your prior job as a</p>	<p>1 21st of 2003? 2 A. Yes. 3 Q. Okay. Was that just a lump 4 sum payment back to August of 2003? 5 A. Yes. 6 Q. All right. We had, I think, 7 last time marked this as Exhibit 15. 8 These were your initial disclosures in the 9 case. And I'm sort of in the middle on 10 the one that I have handed you. I really 11 want to start at number nine and just have 12 you to look down the rest of the list. 13 Just let me know when you have had a 14 chance to do that, and I will tell you 15 what I want to know. 16 (Pause) 17 A. What was your question? 18 Q. Okay. The question is: Is 19 there anybody on this list of doctors or 20 healthcare facilities from whom you sought 21 treatment for any claimed injuries as a 22 result of anything Mr. Johnston did to 23 you?</p>
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<p>1 seamer at Albany? 2 A. With corrective surgery, I 3 might. 4 Q. But as you sit here today, no? 5 A. No. 6 Q. Okay. At any point between 7 August of 2003 and today have you been 8 able to perform all of your job duties as 9 a seamer at Albany? 10 A. No. 11 Q. Okay. When you were declared 12 disabled by Social Security, did they -- 13 did they start paying you benefits; 14 meaning are you getting paid some payment 15 from Social Security for your disability? 16 A. Yes. 17 Q. Okay. And I think they -- I 18 think that ruling came out in 2005, is 19 when Social Security concluded that you 20 were disabled, correct? 21 A. Yes. 22 Q. Okay. Did they pay you back 23 pay, a catch-up payment back to August the</p>	<p>1 A. I don't understand that 2 question. 3 Q. Let's see if I can rephrase 4 it. You are seeking damages in this 5 lawsuit, okay. What I'm trying to 6 determine is whether or not any of these 7 doctors or healthcare providers that you 8 have listed -- if any of the folks on this 9 list treated you for injuries that you 10 claim were caused by some conduct by Jeff 11 Johnston. 12 A. Yes. 13 Q. Okay. Which ones? 14 A. All of them, except for 15 Dr. Hamilton, Dr. Hackman, Dr. Jakes. 16 Q. So it is your contention that 17 every doctor on this list in your initial 18 disclosures except Dr. Jakes, who is 19 number eleven, Dr. Hamilton, who is number 20 fifteen, and Dr. Hackman, who is number 21 sixteen, treated you for some injury that 22 you contend is caused by Jeff Johnston? 23 A. No. I'm saying that number</p>

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<p>1 nine, Dr. Sweet; number ten, Dr. Katz; 2 number twelve, Dr. Wade; thirteen, 3 Dr. Hartzog. 4 I went to Jackson Hospital for 5 tests -- well, I had surgery at Jackson 6 Hospital, too. So I would say yes. And 7 Dr. -- seventeen, Dr. Cargile Miller. 8 Q. What is it that Dr. Sweet 9 treated you for that you claim was caused 10 by Mr. Johnston? 11 A. I was injured on the job. I 12 was refused medical help. 13 Q. All right. Which injury did 14 Dr. Sweet treat you for? 15 A. He -- lower back, my neck. 16 Q. When did Dr. Sweet treat you? 17 A. It was 2003. 18 Q. And was this treated as a 19 Workers' Compensation injury? 20 A. Yes. 21 Q. Is the treatment that you 22 received from -- for your lower back and 23 neck from Dr. Sweet, is that what is at</p>	<p>1 company where Jeff Johnston was in charge 2 of. And through my trying -- seeking help 3 for injuries, I was refused help. The 4 company was in charge. They denied me 5 medical help or corrective surgery or 6 anything that could make my life 7 comfortable to live. 8 Q. All right. Outside of 9 Mr. Johnston's role with the Montgomery 10 plant for Albany, is there any specific 11 action by Mr. Johnston personally towards 12 you that you think caused you any injury? 13 A. I was asked to be taken off of 14 the machines. Mr. Johnston was still in 15 charge. He denied me the right to come 16 off of the machine, where they allowed 17 other people to be moved off of the 18 machines, which they knewed these machine 19 was causing injuries to our bodies. 20 Q. Which machines were causing 21 the injuries? 22 A. The M-3000. 23 Q. M-3000, okay. And how do --</p>
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<p>1 issue in your State court Workers' 2 Compensation case? 3 A. I really don't know. 4 Q. Okay. What exactly is it that 5 you contend that Mr. Johnston did that 6 contributed to your back or neck injuries? 7 A. I worked for Albany 8 International. They were in charge of the 9 way that I was medically treated, and I 10 was denied treatment. 11 Q. I will ask the question a 12 little more specifically and see if maybe 13 we can speed this up. Is there -- did you 14 seek any medical treatment specifically 15 for some action by Jeff Johnston towards 16 you? 17 A. Medical treatment -- repeat 18 me -- repeat yourself, I mean. 19 Q. Let me ask it this way. Is 20 there some specific injury to you that you 21 believe was directly caused by Jeff 22 Johnston? 23 A. I believe that I worked for a</p>	<p>1 what is the basis for your contention that 2 they know that the machine was causing 3 injury? 4 A. Because we were injured on -- 5 in certain -- crawling, pulling, walking, 6 standing, lifting, shoving, sitting in a 7 position all day, lifting weights, having 8 to lean. 9 Q. Anybody that you worked with 10 at Albany in the seaming department that 11 is still there? 12 A. Yes. 13 Q. Who? 14 A. A lot of people. I don't know 15 everybody that is still there. 16 Q. More than five? 17 A. Yes. 18 Q. More than ten? 19 A. I don't know. 20 Q. All right. And would these 21 other folks in seaming -- did they also 22 work on the M-3000 machine like you? 23 A. Yes.</p>

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<p>1 Q. And they are still able to</p> <p>2 work?</p> <p>3 A. I assume so.</p> <p>4 Q. All right. Now, I see right</p> <p>5 below Dr. Sweet's name is Dr. Allen's</p> <p>6 name. Are they partners in a medical</p> <p>7 group?</p> <p>8 A. Yes.</p> <p>9 Q. Did you see both Dr. Sweet and</p> <p>10 Dr. Allen?</p> <p>11 A. No.</p> <p>12 Q. Just Dr. Sweet?</p> <p>13 A. I saw Dr. Allen later, but</p> <p>14 there was a separate office when I saw</p> <p>15 Dr. Allen. Dr. Sweet was in a different</p> <p>16 office.</p> <p>17 Q. All right. We talked about</p> <p>18 Dr. Katz and Dr. Wade last time.</p> <p>19 Who is Dr. Hartzog?</p> <p>20 A. Dr. Hartzog -- he was a</p> <p>21 Workers' Comp doctor who did surgery on my</p> <p>22 rotator tear.</p> <p>23 Q. That surgery was in 2001?</p>	<p>1 Q. Was that a Workers' Comp</p> <p>2 injury?</p> <p>3 A. Yes.</p> <p>4 Q. Did he treat you for anything</p> <p>5 else?</p> <p>6 A. I went for a reading of</p> <p>7 x-rays.</p> <p>8 Q. X-rays of what?</p> <p>9 A. My neck.</p> <p>10 Q. Your neck. Did you get a</p> <p>11 second opinion from Dr. Hackman for the</p> <p>12 neck injury that Dr. Sweet had treated you</p> <p>13 for?</p> <p>14 A. No. I went for a -- personal.</p> <p>15 Q. Okay. Was that while you were</p> <p>16 employed by Albany?</p> <p>17 A. I believe it was after.</p> <p>18 Q. Who is Dr. Hamilton?</p> <p>19 A. He is my cardiologist.</p> <p>20 Q. Was he your doctor during the</p> <p>21 time that you were employed by Albany?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Was he treating you for</p>
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<p>1 A. Yes.</p> <p>2 Q. Okay. Paid for by the company</p> <p>3 as a Workers' Comp injury?</p> <p>4 A. Yes.</p> <p>5 Q. What did Dr. Miller treat you</p> <p>6 for?</p> <p>7 A. My wrist. Both wrists.</p> <p>8 Q. Your wrists? Are those also</p> <p>9 Workers' Comp injuries?</p> <p>10 A. Yes.</p> <p>11 Q. Were you treated for carpal</p> <p>12 tunnel?</p> <p>13 A. Both wrists.</p> <p>14 Q. Okay. Do you remember when</p> <p>15 that was?</p> <p>16 A. Probably 2003, too.</p> <p>17 Q. Who is Dr. Hackman?</p> <p>18 A. Dr. Hackman was -- he treated</p> <p>19 me once for Workers' Comp. That's for my</p> <p>20 lower back. I went for an opinion.</p> <p>21 Q. So Dr. Hackman treated you one</p> <p>22 time for your lower back?</p> <p>23 A. Yes.</p>	<p>1 health problems during your employment</p> <p>2 with the company?</p> <p>3 A. Yes.</p> <p>4 Q. What is the nature of your</p> <p>5 heart condition?</p> <p>6 A. You asked me what heart</p> <p>7 diseases do I have?</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. Okay. I have cardiomyopathy,</p> <p>10 mitral valve prolapse, congestive heart</p> <p>11 failure, enlarged heart, hypertension.</p> <p>12 Q. Has Dr. Hamilton, to your</p> <p>13 knowledge, diagnosed the cause of these</p> <p>14 heart conditions?</p> <p>15 A. No, he didn't.</p> <p>16 Q. Do you believe in any way</p> <p>17 Albany International is the cause of your</p> <p>18 heart problems?</p> <p>19 A. Yes.</p> <p>20 Q. How so?</p> <p>21 A. When I was treated with</p> <p>22 steroid treatments on my lower back, I</p> <p>23 complained of not being able to take them,</p>

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<p>1 because I was allergic to them. And I 2 took them anyway, because of the pain that 3 was in my back. 4 Q. Who gave you the steroid 5 shots? 6 A. I believe it was a 7 Dr. Richardson under Dr. Dunavant. I 8 believe that is -- that's been how long it 9 has been. I don't remember. 10 Q. Are these steroids shots part 11 of Workers' Comp treatment? 12 A. Yes. 13 Q. All right. Has Dr. Hamilton 14 told you that these steroid shots caused 15 any of these heart conditions? 16 A. Dr. Hamilton was my doctor at 17 that time. 18 Q. Well, has any doctor told you 19 that steroid shots, as part of your 20 Workers' Compensation treatment for your 21 back pain, caused any of these heart 22 conditions that you have identified? 23 A. No.</p>	<p>1 time I received steroid shots, I end up 2 with new heart -- heart diseases. 3 Q. Have you seen anybody other 4 than Dr. Hamilton for your heart problems? 5 A. I saw another doctor before 6 Dr. Hamilton, but I don't even remember 7 his name. 8 Q. Okay. What has Dr. Jakes 9 treated you for? 10 A. Fibromyalgia. 11 Q. And how long has Dr. Jakes 12 been treating you for fibromyalgia? 13 A. I believe I saw him in -- it 14 was either 2004, late 2003, one or the 15 other. 16 Q. Were you being treated by 17 Dr. Jakes during the time that you were 18 employed by Albany? 19 A. No. 20 Q. Who is Dr. Garrison? 21 A. Dr. Garrison is another 22 Workers' Comp doctor. 23 Q. What about Dr. Dalton?</p>
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<p>1 Q. Okay. Then how do you draw 2 some connection between steroid shots and 3 your heart problems? 4 A. I never had heart problems 5 until I started receiving the steroid 6 shots. 7 Q. So that's simply your opinion 8 that there is a connection between the 9 steroid shots and your heart problems? 10 A. I didn't -- I started having 11 heart problems afterwards -- after the 12 steroid shots. 13 Q. All right. And you, on your 14 own, have drawn some connection between 15 the steroid shots and your heart problems? 16 A. I started having steroid shots 17 -- I mean, I started having heart problems 18 after the steroid shots. 19 Q. Okay. But no doctor has told 20 you that they have diagnosed any medical 21 link between your steroid shots and the 22 heart problems that you have identified? 23 A. The only thing I know is each</p>	<p>1 A. Dr. Dalton is a personal 2 doctor. 3 Q. What has Dr. Dalton treated 4 you for? 5 A. He did a colonoscopy. 6 Q. Just an exam or were you being 7 treated for some particular condition? 8 A. Well, everytime -- when I 9 could not receive injections, when I could 10 not take the -- the muscle relaxers or the 11 inflammatory pills, I suffer from that 12 with acid reflux. 13 So she told me that it was 14 something had to be going on, the reason I 15 couldn't take this medicine. So that's 16 when I consulted my physicians and asked 17 them to give me -- to try to find out was 18 anything going on in my body to cause me 19 not to be able to take the medicine. She 20 suggested that I have some -- I have 21 something done about that. 22 Q. All right. And did Dr. Dalton 23 put you on any course of treatment</p>

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8 (Pages 315 to 318)

Page 315	Page 317
<p>1 following this colonoscopy?</p> <p>2 A. Was nothing wrong in my colon</p> <p>3 for them to treat me for.</p> <p>4 Q. Who is Dr. Turner?</p> <p>5 A. Dr. Turner is another Workers'</p> <p>6 Comp doctor.</p> <p>7 Q. What did Dr. Turner treat you</p> <p>8 for?</p> <p>9 A. He was the company doctor.</p> <p>10 Wrists, neck, lower back.</p> <p>11 Q. What did Dr. Garrison treat</p> <p>12 you for? I know you said he was a Work</p> <p>13 Comp doctor.</p> <p>14 A. Lower back, I believe.</p> <p>15 Q. Dr. Mathis?</p> <p>16 A. He was my medical -- my</p> <p>17 personal medical doctor.</p> <p>18 Q. Okay. There is a reference on</p> <p>19 your disclosures to an ergonomic</p> <p>20 evaluation of the M-3000 machine. Is that</p> <p>21 a -- what is that? Is that --</p> <p>22 A. I don't know what it is.</p> <p>23 Q. Is that a job site analysis</p>	<p>1 your seaming job?</p> <p>2 A. Yes, from what I can see.</p> <p>3 Q. Okay. Now, you allege in your</p> <p>4 complaint that the company knew the M-3000</p> <p>5 was causing injuries.</p> <p>6 A. Yes.</p> <p>7 Q. All right. Now, you told me a</p> <p>8 little while ago that your basis for that</p> <p>9 was you and others got hurt on the job.</p> <p>10 A. Yes.</p> <p>11 Q. All right. Any basis for that</p> <p>12 allegation other than your observation</p> <p>13 that you were injured and others may have</p> <p>14 been injured at work?</p> <p>15 A. When this -- when we -- when</p> <p>16 the injuries start occurring, not only to</p> <p>17 me, but other people, that is when the</p> <p>18 company started -- I don't know what the</p> <p>19 process was, but they brought somebody in</p> <p>20 to evaluate this M-3000 and to check and</p> <p>21 to see what we was doing and was not</p> <p>22 doing.</p> <p>23 Q. Okay. Did y'all start doing</p>
Page 316	Page 318
<p>1 that was done of the seaming job?</p> <p>2 A. I assume. I don't know.</p> <p>3 Q. Tell a look at that for me and</p> <p>4 tell me if you recognize that.</p> <p>5 (WHEREUPON, a document was</p> <p>6 marked as Defendant's Exhibit 16 and is</p> <p>7 attached to the original transcript.)</p> <p>8 A. Yes.</p> <p>9 Q. Did you see this job site</p> <p>10 analysis at any point while you worked for</p> <p>11 the company?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And have you had a</p> <p>14 chance to read over it?</p> <p>15 A. I have seen it.</p> <p>16 Q. Okay. And is this a -- does</p> <p>17 this job function wise and workwise</p> <p>18 provide a fair assessment of the seaming</p> <p>19 machine operator job at Albany's</p> <p>20 Montgomery plant?</p> <p>21 A. It is a description of the job</p> <p>22 that we did.</p> <p>23 Q. So this is a description of</p>	<p>1 anything differently after that?</p> <p>2 A. My job was the same.</p> <p>3 Q. Did y'all start any kind of</p> <p>4 exercise program in the plant?</p> <p>5 A. They started an exercise</p> <p>6 program, yes.</p> <p>7 Q. For everybody in the seaming</p> <p>8 department?</p> <p>9 A. Every -- yes.</p> <p>10 Q. What did that exercise program</p> <p>11 consist of?</p> <p>12 A. You stand and make certain</p> <p>13 movements with your body.</p> <p>14 Q. Just sort of a stretching</p> <p>15 program?</p> <p>16 A. Stretching process, yes.</p> <p>17 Q. So you would be sort of warmed</p> <p>18 up and ready to go to work?</p> <p>19 A. No. It wasn't at the</p> <p>20 beginning of the shift. It was usually</p> <p>21 like some part of the day -- in the</p> <p>22 morning, and then another -- like about</p> <p>23 two in the evening and probably nine,</p>

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9 (Pages 319 to 322)

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<p>1 something like that, in the morning. 2 Q. Well, did you do the 3 stretching exercises every shift? 4 A. No. It was every shift, but 5 we did it two times a day. We did it 6 morning and then we do it in the 7 afternoon. 8 Q. So you did it two times per 9 shift? 10 A. Yes. 11 Q. Okay. You say morning and 12 afternoon. If you are on third shift, 13 that would be just after midnight and -- 14 but two times a shift? 15 A. Yes. 16 Q. Okay. So you would work a 17 little while, stop, stretch, go back to 18 work, then stretch again, and then finish 19 your shift? 20 A. Yes. 21 Q. All right. 22 MS. WILLIAMS: Do you need a 23 break?</p>	<p>1 A. Yes. 2 Q. What is it? 3 A. It's a letter to the Equal 4 Opportunity Commission. 5 Q. Who wrote this letter? 6 A. I did. 7 Q. Did you type it? 8 A. No. 9 Q. Okay. Who typed it for you? 10 A. A friend of mine. 11 Q. Who was that? 12 A. Her name is Valerie. 13 Q. What is Valerie's last name? 14 A. Abner. 15 Q. Would that be Shederick 16 Abner's wife? 17 A. Yes. 18 Q. Okay. Now, the only version 19 of this I have is not signed. Did you 20 actually personally sign one of these to 21 the EEOC? 22 A. I don't remember, but -- I 23 don't remember.</p>
Page 320	Page 322
<p>1 THE WITNESS: No, not yet. 2 Q. (BY MR. POWELL) At any point 3 while you worked for the company did you 4 -- did you ever contact the EEOC to 5 complain about any of these allegedly 6 discriminatory events that you have 7 identified? 8 A. Yes, I did. 9 Q. What did you do? 10 A. Wrote a letter. 11 Q. Wrote a letter to them. 12 Okay. 13 Does it look like that? 14 (WHEREUPON, a document was 15 marked as Defendant's Exhibit 17 and is 16 attached to the original transcript.) 17 (Pause) 18 A. Okay. 19 Q. Have you had a chance to look 20 over what has been marked as Exhibit 17 to 21 your deposition? 22 A. Yes. 23 Q. Do you recognize it?</p>	<p>1 Q. All right. But what is in 2 here were your thoughts at the time about 3 your employment with Appleton Wire? 4 A. Yes. 5 Q. All right. And this letter is 6 dated October 14, 2000? 7 A. Yes. 8 Q. Did you ever formally file a 9 charge of discrimination with the EEOC? 10 A. No. 11 Q. Okay. Were you contacted by 12 anyone at the Commission to discuss this 13 letter? 14 A. No. 15 Q. Okay. What prompted you to 16 send this letter to Ms. Monroe? 17 A. Because all of the -- 18 everything -- it's true. 19 Q. So what is in here then -- you 20 have also testified about a lot of this in 21 your deposition in this case -- 22 A. I believe so. 23 Q. All right. Well, if you</p>

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10 (Pages 323 to 326)

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<p>1 believed all of this in October of 2000, 2 why didn't you take any formal action on 3 it six years ago? 4 A. Because -- so far everyone I 5 have turned to -- Mr. Johnston, 6 Mr. Bryant, the Union -- is like -- in 7 here, a deaf ear. It's like no one 8 hears. And when I do get an explanation, 9 it is explained away. 10 Q. What exactly did you ask 11 Mr. Bryant for help with? 12 A. I have always let Mr. Bryant 13 know that when I go to the doctor's 14 office, I let them know how I'm treated. 15 Q. Other than your Workers' 16 Compensation treatment, any other issues 17 that you have brought to Mr. Bryant's 18 attention that he has not addressed? 19 A. I don't remember. 20 Q. Okay. None that you can 21 remember as you sit here today? 22 A. The situation with Tim 23 Woodward, no matter who or how I</p>	<p>1 on-the-job injury. 2 A. One time I went to -- I was 3 under Workers' Comp, and I was sent to -- 4 I don't remember the building -- but I was 5 given something like a three-hour test, 6 and it was testing my mental capabilities. 7 Q. Who gave you the test? 8 A. If I could remember that, I 9 would tell you. I don't know. 10 Q. This test was not conducted at 11 Albany International? 12 A. I was sent to this company by 13 Albany International. 14 Q. By Albany or by the Workers' 15 Compensation doctor? 16 A. Albany International or the 17 Workers' Comp or whoever was working for 18 Albany International. 19 Q. Well, who, by name 20 specifically, asked you to go take this 21 three-hour test? 22 A. I don't remember. 23 Q. Okay. And since it is</p>
Page 324	Page 326
<p>1 complained, no one did anything about 2 anything. And all I was trying to do was 3 stay there until I turned fifty-five years 4 old so I could retire with dignity. I was 5 not allowed to -- I was not given that 6 opportunity. 7 Q. Well, if you are incapable of 8 working -- I mean, you have testified that 9 you are unable to work. 10 A. Because of injuries. Job -- 11 on-the-job injuries. 12 Q. Okay. So it's your contention 13 in this case that the reason that you were 14 unable to get to age fifty-five at Albany 15 and retire with dignity is because of 16 Workers' Compensation injuries? 17 A. Because of -- I was not 18 treated for those injuries, I was just 19 passed through doctors' offices. 20 Q. Okay. I see on page two of 21 this letter that you claim to have been 22 subjected to mental exams without your 23 consent while being treated for an</p>	<p>1 referenced in an October the 14th, 2000, 2 letter, I assume that you had this test 3 sometime prior to that? 4 A. I don't remember the dates or 5 the time. I don't remember. 6 Q. Do you know what year? 7 A. I don't remember. 8 Q. I see further down in that 9 paragraph it says that you have been 10 clinically diagnosed with depression and 11 you are currently taking drug treatments 12 and counseling. 13 A. During this time I was -- I 14 went to a program we had called -- I was 15 in a lot of pain, just like I was up until 16 the point where I was dismissed. And I 17 would -- the doctors wasn't treating me. 18 So I went to EEO -- 19 Q. EAP? 20 A. EAP. The EAP -- I think her 21 name was Linda -- I believe Linda -- Linda 22 Jackson. It was -- I don't remember her 23 name. But, anyway, she sent me to a</p>

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11 (Pages 327 to 330)

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<p>1 doctor for this.</p> <p>2 Q. And how long did you get</p> <p>3 treatment under Albany's EAP program?</p> <p>4 A. I had to pay for that service</p> <p>5 myself. You only go to their counselors.</p> <p>6 And I had to go -- when I went to this</p> <p>7 doctor, I had to pay the doctor myself.</p> <p>8 Q. The company paid for the EAP</p> <p>9 portion of the counseling?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And after you met with</p> <p>12 the EAP counselor you then went to a</p> <p>13 separate private --</p> <p>14 A. She sent me to a doctor --</p> <p>15 which I don't even remember his name. But</p> <p>16 I know I went -- I went for a little</p> <p>17 while, but it wasn't long. But during the</p> <p>18 medication I could not drive or anything.</p> <p>19 My daughter drove me.</p> <p>20 Q. Okay. Did you personally talk</p> <p>21 with anyone at the EEOC in response to</p> <p>22 this letter?</p> <p>23 A. No.</p>	<p>1 Ketorolac, K-E-T-O-R-O-L-A-C.</p> <p>2 A. I don't know.</p> <p>3 Q. Dr. Hartzog prescribed that</p> <p>4 for you.</p> <p>5 A. It was probably inflammation</p> <p>6 or pain.</p> <p>7 Q. All right. Bextra.</p> <p>8 A. It was probably inflammation</p> <p>9 or pain, which I was allergic to, too.</p> <p>10 Q. Diazepam, D-I-A-Z-E-P-O-M.</p> <p>11 A. I don't know.</p> <p>12 Q. Meclizine, M-E-C-L-I-Z-I-N-E.</p> <p>13 A. I don't know.</p> <p>14 Q. Skelaxin, S-K-E-L-A-X-I-N.</p> <p>15 A. Pain or inflammation.</p> <p>16 Q. Spironolactone,</p> <p>17 S-P-I-R-O-N-O-L-A-C-T-O-N-E.</p> <p>18 A. I don't know.</p> <p>19 Q. Lisinopril,</p> <p>20 L-I-S-I-N-O-P-R-I-L.</p> <p>21 A. I don't know.</p> <p>22 Q. Furosemide,</p> <p>23 F-U-R-O-S-E-M-I-D-E.</p>
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<p>1 Q. Did you meet with anybody at</p> <p>2 the EEOC about your claims?</p> <p>3 A. No.</p> <p>4 Q. Did you mail this to the EEOC,</p> <p>5 or what did you do with it?</p> <p>6 A. Most likely mailed it, because</p> <p>7 I didn't go to it. I had to have mailed</p> <p>8 it.</p> <p>9 Q. What was Shederick Abner's</p> <p>10 involvement in this letter?</p> <p>11 A. He encouraged me.</p> <p>12 Q. To your knowledge, did he</p> <p>13 write his own letter?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. Have you ever given any</p> <p>16 testimony on any of these events anywhere?</p> <p>17 A. Yes. Most likely, I have.</p> <p>18 Q. Do you remember where?</p> <p>19 A. No.</p> <p>20 Q. I'm just going to run some</p> <p>21 medication names by you and I just want a</p> <p>22 general description of why you were</p> <p>23 prescribed these medicines. All right.</p>	<p>1 A. I don't know.</p> <p>2 Q. That's a Dr. Hamilton</p> <p>3 medicine.</p> <p>4 A. It's probably for fluid.</p> <p>5 Q. Trazodone, that's Dr. Jakes.</p> <p>6 A. Oh, probably pain or -- pain,</p> <p>7 I guess.</p> <p>8 Q. Dr. Mathis appears to have</p> <p>9 prescribed Premarin.</p> <p>10 A. That's estrogen.</p> <p>11 Q. Also Dr. Mathis Protonix?</p> <p>12 A. I don't know.</p> <p>13 Q. And Meprozone, also</p> <p>14 Dr. Mathis?</p> <p>15 A. I don't know, but I believe it</p> <p>16 was for the acid reflux or the relief.</p> <p>17 Q. Dr. Katz appears to have</p> <p>18 prescribed Alprazolam,</p> <p>19 A-L-P-R-A-Z-O-L-A-M.</p> <p>20 A. Probably inflammation or pain.</p> <p>21 Q. All right. Tizakidine,</p> <p>22 T-I-Z-A-K-I-D-I-N-E. That's Dr. Fallahi.</p> <p>23 A. Probably inflammation or --</p>

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12 (Pages 331 to 334)

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<p>1 it's because of the fibromyalgia. 2 Q. Okay. Dr. Fallahi is not a 3 name that I think I have heard before. 4 Who is Dr. Fallahi? 5 A. I also saw him. Fibromyalgia. 6 Q. What about Dr. Fishnic 7 (Phonetic)? 8 A. I don't know who that is. 9 Q. Looks like he prescribed 10 amoxicillin, just a general antibiotic, I 11 think. 12 A. This was probably pertaining 13 to having dental work. 14 Q. Dr. McLamore, M-C-L-A-M-O-R-E, 15 appears to have prescribe 16 cyclobenzaprine. 17 A. I don't know. I went to him 18 for sinuses. 19 Q. Dr. Sweet appears to have 20 prescribed Srbudeprion, 21 S-R-B-U-D-E-P-R-I-O-N. 22 A. I don't know. Possibly 23 inflammation or pain.</p>	<p>1 Albany. 2 As Mr. Powell did, I'm going 3 to ask you a series of questions today. 4 If I ask you a question that you don't 5 understand, can you tell me that and ask 6 me to rephrase it? 7 A. Yes. 8 Q. If you answer a question, I 9 will assume that you understood what I was 10 asking and that's what you were answering; 11 is that fair? 12 A. Yes. 13 Q. You testified earlier today, 14 Ms. Davis, that it was your belief that 15 Mr. Johnston and Albany had terminated 16 your employment in some way related to the 17 Family Medical Leave Act; is that right? 18 A. Yes. 19 Q. And I think I understood you 20 to say that the reason why you believed 21 that is because even though you were in 22 pain and you had injuries, you didn't get 23 the medical help that you felt like you</p>
Page 332	Page 334
<p>1 Q. Who is Dr. Wahid, W-A-H-I-D? 2 A. I don't know. 3 Q. Do you know why he prescribed 4 Naproxen for you? 5 A. Inflammation, I guess, or 6 pain. Something, I don't know. 7 Q. Okay. If you need at break at 8 any point, just let us know. 9 MS. WILLIAMS: If we could 10 just stop right now and take a break. 11 MR. POWELL: We can. 12 9:58 AM 13 (Short recess) 14 10:18 AM 15 MR. POWELL: I don't have any 16 more questions for you. 17 18 EXAMINATION BY MS. SWAIN: 19 Q. Ms. Davis, are you ready? 20 A. Yes. 21 Q. My name is Jennifer Swain. I 22 represent Jeff Johnston in the lawsuit 23 that you have filed against him and</p>	<p>1 needed. 2 A. Yes. 3 Q. Am I correct in understanding 4 that your claim about the Family Medical 5 Leave Act is that the company was not able 6 to find a doctor who would recognize and 7 properly treat your injuries? 8 A. I feel that under Workers' 9 Comp I was being sent to doctors and the 10 doctors wasn't properly medicating or 11 correcting the injuries that I had. 12 Q. And you believe that that was 13 Jeff Johnston's fault? 14 A. Yes. 15 Q. And that's because why? 16 A. Because he was the leader. He 17 was over the company. 18 Q. So what you really wanted 19 Mr. Johnston to do was to find you a 20 Workers' Comp doctor that would treat you 21 the way you felt you should be treated? 22 A. To treat me the way I needed 23 to be treated.</p>

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13 (Pages 335 to 338)

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<p>1 Q. Okay. And it was your belief 2 that the Workers' Comp doctors should have 3 taken you off from work? 4 A. Yes. 5 Q. And it's your belief that the 6 Workers' Comp doctors should have told 7 Albany that you were unable to work 8 because of your injuries? 9 A. Yes. 10 Q. And it's your belief that 11 because the doctors didn't do that, that 12 Mr. Johnston violated the Family Medical 13 Leave Act? 14 A. Yes. 15 Q. Is there any other way in 16 which you think Mr. Johnston or Albany 17 violated the Family Medical Leave Act? 18 A. When I would go to or when 19 they called me to these meetings, it was 20 never any concern about what was going on 21 in my body. It was always are you able, 22 are you in pain, can you guarantee that 23 you cannot work in pain. I couldn't</p>	<p>1 not have a medical certification saying 2 that they needed to be off from work? 3 A. I don't know. 4 Q. Did you ever discuss the 5 Family and Medical Leave Act with 6 Mr. Johnston? 7 A. What I -- I don't remember 8 whether it was family medical leave, but I 9 did let Mr. Johnston know that I was in 10 pain and I was in constant pain. And each 11 visit we had, every meeting, I allowed 12 them -- I let them know the extent of the 13 pain that I was living in on a day-to-day 14 basis. 15 Q. In response to many of those 16 conversations you were sent to Workers' 17 Comp doctors; is that right? 18 A. Yes. 19 Q. Those doctors would release 20 you to return to work. 21 A. They would release me. 22 Q. I believe you testified the 23 last time we were here -- not this</p>
Page 336	Page 338
<p>1 guarantee that, because I had been working 2 in pain since 1991. 3 Q. Okay. My question is whether 4 there was any other way in which you think 5 Mr. Johnston or Albany violated the FMLA 6 other than not finding you a doctor that 7 would take you off of work? 8 A. I don't know. 9 Q. You were, as you have 10 testified previously, permitted to take 11 family and medical leave when you had a 12 doctor's certification, correct? 13 A. Yes. 14 Q. And in this situation around 15 the time that you claim that you were 16 discharged, the doctors that you were 17 seeing for your injuries did not certify 18 that you needed to be off from work, 19 correct? 20 A. They did not. 21 Q. Do you know of anyone at 22 Albany who was allowed to take Family and 23 Medical Leave Act protected leave who did</p>	<p>1 morning, but before -- that it's your 2 belief that you were actually terminated 3 on August the 21st, 2003; is that correct? 4 A. Yes. 5 Q. So when you came to the 6 meeting on October the 29th, that you have 7 also testified about previously, was it 8 your understanding that your employment 9 had already been terminated? 10 A. Yes. 11 Q. Tell me about that meeting on 12 October the 29th. You testified before 13 that Mr. Johnston had threatened to call 14 the police on you; is that right? 15 A. Whenever I am involved with 16 Mr. Johnston in any meeting, he always 17 flares up, he always attacked me in ways 18 that it shouldn't be. He accuses me of 19 things that I'm not guilty of. And this 20 was one of the occasions. 21 He kept telling me, "Dora, you 22 need to find you a doctor." I said, 23 "Well, my doctor says that -- didn't say</p>

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14 (Pages 339 to 342)

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<p>1 that I was not disabled to work." They</p> <p>2 did not take me off the job.</p> <p>3 Q. When you say your doctor, your</p> <p>4 personal physician?</p> <p>5 A. My personal doctors.</p> <p>6 Q. Your personal physician said</p> <p>7 that --</p> <p>8 A. That --</p> <p>9 Q. -- you could return to work?</p> <p>10 A. I could return to work.</p> <p>11 Q. The Workers' Comp doctors also</p> <p>12 said you could return to work?</p> <p>13 A. They said I could return to</p> <p>14 work.</p> <p>15 Q. What was the context of Jeff</p> <p>16 Johnston threatening to call the police?</p> <p>17 Did he just say that out of the blue, or</p> <p>18 was something said before that that seemed</p> <p>19 to upset him?</p> <p>20 A. I walked out of the room and</p> <p>21 closed the door.</p> <p>22 Q. Then what happened?</p> <p>23 A. That's when he told me that he</p>	<p>1 that you couldn't work and you wanted a</p> <p>2 Workers' Comp doctor to take you off,</p> <p>3 correct?</p> <p>4 A. In the process of my trying to</p> <p>5 do my job, it was constant, unbearing</p> <p>6 pain.</p> <p>7 Q. Because of that pain, you were</p> <p>8 unable to work?</p> <p>9 A. I was -- I wanted to --</p> <p>10 Workers' Comp to do what they was supposed</p> <p>11 to do. They had Workers' Comp insurance</p> <p>12 that takes you off and gives you the</p> <p>13 opportunity to heal. The company denied</p> <p>14 me that.</p> <p>15 Q. Did you understand during that</p> <p>16 October 29th meeting that your doctors had</p> <p>17 released you to return to work?</p> <p>18 A. Yes.</p> <p>19 Q. It's my understanding from you</p> <p>20 that because of all of the pain that you</p> <p>21 were experiencing that you could not work</p> <p>22 and you needed a doctor to take you off</p> <p>23 work; is that right?</p>
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<p>1 was calling the police on me.</p> <p>2 Q. You walked out of the room and</p> <p>3 closed the door and he followed you out of</p> <p>4 the room?</p> <p>5 A. No. The shop steward,</p> <p>6 Norma -- I believe she followed me. She</p> <p>7 brought me back into the room.</p> <p>8 Q. Why did you walk out of the</p> <p>9 room?</p> <p>10 A. Because of his accusations.</p> <p>11 Q. What accusations?</p> <p>12 A. "I can't guarantee you, Jeff,</p> <p>13 that I am not in pain. I am under your</p> <p>14 physician's care."</p> <p>15 Q. Well, you have testified that</p> <p>16 at the time of the October 29th meeting</p> <p>17 you were not physically able to work,</p> <p>18 correct?</p> <p>19 A. I said that I was in a lot of</p> <p>20 pain. I was working -- I was in a lot of</p> <p>21 pain. I was hurting from the top of my</p> <p>22 head to the sole of my feet.</p> <p>23 Q. Because of that pain, you felt</p>	<p>1 A. I needed the Workers' Comp</p> <p>2 doctors to do the job that Albany</p> <p>3 International allowed them to do.</p> <p>4 Q. Which, in your view, was to</p> <p>5 take you off from work.</p> <p>6 A. To take me off work and allow</p> <p>7 my body to heal.</p> <p>8 Q. Other than finding a Workers'</p> <p>9 Comp doctor who would take you off from</p> <p>10 work, was there anything else that you</p> <p>11 think that Jeff Johnston should have done</p> <p>12 for you and did not do for you?</p> <p>13 A. The Work Comp doctors was</p> <p>14 under Albany International, they did what</p> <p>15 Albany International say. They were their</p> <p>16 doctors. I only went because they sent</p> <p>17 me. They were Workers' Comp doctors. I</p> <p>18 did what their doctors say do.</p> <p>19 The company knowed the extent</p> <p>20 of the injuries that I had acquired. They</p> <p>21 knew that this had been going on for quite</p> <p>22 some time. The pain was constant, they</p> <p>23 know it was severe, they know I got locked</p>

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15 (Pages 343 to 346)

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<p>1 on the fabrics. I complained to Ted, I 2 complained to Jeff, I complained to the 3 shop steward supervisor. I complained to 4 everybody that I could have complained 5 to. No one did anything. 6 Q. Well, what they did was she 7 sent to you a Workers' Compensation doctor 8 who did not take you off. 9 A. These doctors were under the 10 supervision of Albany International. I 11 was told by Dr. Garrison that I -- that it 12 was something that he could do, but the 13 Workers' Comp did not approve it to make 14 my condition better. 15 Q. Are you aware of any 16 conversations between Mr. Johnston and any 17 of your Workers' Comp doctors? 18 A. I know that each day when I go 19 to Workers' Comp, if Donna was not with 20 me, before I get back to the company, the 21 company already knows what decisions have 22 been made before -- 23 Q. Okay.</p>	<p>1 Q. Did you slam the door when you 2 walked out of the room? 3 A. I don't know whether I did. I 4 walked out. 5 Q. Did Jeff Johnston actually 6 call the police? 7 A. No, he didn't. 8 Q. Did Jeff Johnston tell you on 9 October the 29th -- strike that. 10 Did you tell Jeff Johnston on 11 October the 29th, or Ted Bryant or whoever 12 was in this meeting, that you had decided 13 to pursue and, in fact, had applied for 14 Social Security disability benefits? 15 A. I told them I had applied for 16 Social Security benefits. 17 Q. Did you tell them you were 18 through with the Workers' Comp people? 19 A. No, I didn't. 20 Q. Did Jeff Johnston tell you in 21 the October 29th meeting that if you 22 returned to work but then had to leave 23 again or did not come into work because of</p>
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<p>1 A. -- from the doctors. 2 Q. Here is my question. If you 3 will listen to the question and answer the 4 question I'm asking, we will get through 5 this a lot more quickly. 6 Are you aware of any 7 conversations between Jeff Johnston and 8 any of your Workers' Comp doctors? 9 A. No. 10 Q. Going back to the October 29th 11 meeting. You left the room, Norma Heath 12 came and asked you to come back into the 13 room; is that correct? 14 A. Yes. 15 Q. When you walked back into the 16 room Jeff Johnston just said, "Dora, I'm 17 going to call the police on you?" 18 A. He told me he would call the 19 police on me. 20 Q. Did he give you any indication 21 why he would call the police? 22 A. He wouldn't have me slamming 23 doors or whatever.</p>	<p>1 pain without a doctor's excuse, that that 2 would be counted against you as an 3 occurrence? 4 A. Yes. 5 Q. Did you understand that you 6 could return to work, but that if you did, 7 you would have to actually come to work 8 and do the job? 9 A. I understood that I had to 10 return -- I had to return to work. 11 Q. And it was your feeling that 12 you could not do that? 13 A. It is my thing that I was in a 14 lot of pain. At the time, barely 15 walking. My arms and things -- I couldn't 16 hardly move them. I couldn't drive 17 myself. I couldn't take care of my 18 myself. I couldn't even -- personally 19 take care of myself. 20 Q. Because of? 21 A. This company knew it, Jeff 22 Johnston knew it, Ted Bryant knew it. They 23 knew that all parts of my whole spine,</p>

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16 (Pages 347 to 350)

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<p>1 they knew my -- both wrists, they knew my 2 fingers, they knew my shoulder had erupted 3 again, the scar tissue. They knew the 4 pain that I was in every day. They knew. 5 And I was going and I begged 6 for help, and they didn't give it to me. 7 Instead, I don't have a job. 8 Q. And because of all of the pain 9 that you were in, you knew that you were 10 not going to be able to go back to work -- 11 A. I knew that -- 12 Q. Let me finish the question. 13 A. -- I had a Workers' Comp 14 situation, and I know it was Workers' Comp 15 laws, and I know Workers' Comp is supposed 16 to support me and make sure that the 17 injuries that I occurred was supposed to 18 be fixed, and they didn't do it. And 19 instead, I don't have a job today. 20 Q. My question is, you -- because 21 of all of the pain that you were in when 22 you were in that October 29th meeting, you 23 knew that that you were not going to be</p>	<p>1 Q. You understood -- let me show 2 you what Mr. Powell marked as Defendant's 3 Exhibit 14 and ask you to take a look at 4 that. 5 A. Yes, I remember this letter. 6 Q. Did you understand from that 7 letter that you are eligible for 8 retirement benefits from Albany when you 9 reach age fifty-five? 10 A. Yes. 11 Q. Other than the fact that -- 12 let me ask you this. 13 How old were you in October of 14 2003? 15 A. Fifty-one. 16 Q. Other than the fact that you 17 weren't able to get retirement benefits at 18 the time you actually left the company, is 19 there anything else that either Jeff 20 Johnston or Albany did that you think 21 interfered with your retirement benefits? 22 A. Yes. 23 Q. What is that?</p>
Page 348	Page 350
<p>1 able to come back to work and do all of 2 your job functions? 3 A. I knew if I came to work I 4 would be in pain. I couldn't guarantee 5 Mr. Johnston that I couldn't be in pain. 6 He insisted that the only way I could come 7 back to work is not be in pain. I could 8 not guarantee him that I wouldn't be in 9 pain. 10 Q. Did you ever have any 11 conversation with Mr. Johnston about 12 retirement benefits? 13 A. I don't think so. 14 Q. Do you know whether 15 Mr. Johnston had any responsibility for 16 administering the retirement plan at 17 Albany International? 18 A. I don't know. 19 Q. You testified last time we 20 were here that you had received a letter 21 from someone at Albany about your 22 retirement benefits; is that right? 23 A. I guess.</p>	<p>1 A. The fact that I was taken off 2 of my job way before this time came. The 3 fact that I was only going to receive 4 whenever I was eligible six hundred and 5 something dollars. I was insulted about 6 the loss and having to take two hundred 7 and something instead. 8 And I know that Albany had a 9 plan where if Workers' Comp had did their 10 part, I could have easily been taken off 11 of the job, offered early retirement. I 12 could have easily been taken off the job 13 under the -- under long-term disability, 14 and I would have received the benefits 15 that was -- I deserved. 16 Q. What is it that you -- explain 17 to me what it is that you claim that you 18 are not eligible for in terms of 19 retirement benefits. I'm not talking 20 about Workers' Comp benefits. 21 A. If I received these benefits 22 when I turned fifty-five -- you didn't 23 give me all of the paperwork. You only</p>

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17 (Pages 351 to 354)

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<p>1 gave me part of it, because it is showing 2 where I could have been eligible for six 3 hundred and seventy-nine dollars. But in 4 the letter that I received it said I would 5 receive those benefits. I only received 6 like two hundred and something dollars of 7 that benefit. I don't see that in this 8 letter.</p> <p>9 Q. Do you have a copy of the 10 letter that you are referring to?</p> <p>11 A. No, I don't.</p> <p>12 Q. Did you not understand from 13 Exhibit 14 that you are, in fact, eligible 14 to receive the six hundred and ninety-two 15 dollars and seven cents beginning 16 September 1st, 2006 -- I'm sorry -- 17 september 1st, 2016, if you wait till you 18 are sixty-five to retire?</p> <p>19 A. That's if I waited till I 20 turned sixty-five. If I retired at 21 fifty-five, I would not receive full 22 benefit.</p> <p>23 Q. You do know, don't you, that</p>	<p>1 Q. So, again, what you are really 2 complaining about with respect to your 3 retirement benefits is that the Workers' 4 Comp doctors did not take you off from 5 work?</p> <p>6 A. The worker -- the Workers' 7 Comp doctor I wasn't -- I was treated 8 differently, I was treated unfair.</p> <p>9 Q. And, again, the way that you 10 were treated differently and unfairly is 11 because they didn't take you off from 12 work?</p> <p>13 A. Because they did not make sure 14 that I was properly healed or able to 15 return to my job or able to perform my 16 job.</p> <p>17 Q. Okay. Do you know whether 18 Jeff Johnston had any responsibility for 19 administering the short-term or long-term 20 disability benefit plan?</p> <p>21 A. He was -- he was over the 22 company.</p> <p>23 Q. Well, you understood that the</p>
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<p>1 if you retired at fifty-five you would 2 have taken a smaller retirement benefit 3 irrespective of the fact that you left 4 prior to that?</p> <p>5 A. I had an option. With what 6 happened, I don't have an option -- I 7 didn't have an option. It was taken away.</p> <p>8 Q. How was the option taken away?</p> <p>9 A. Because I'm no longer at 10 Albany International.</p> <p>11 Q. Your benefits aren't going to 12 be any different.</p> <p>13 A. You are missing the point.</p> <p>14 Q. I guess I am. See if you can 15 explain it to me.</p> <p>16 A. You -- if I retire at 17 fifty-five, I lost benefits. If Workers' 18 Comp had treated me with the same 19 advantage that they did some of the other 20 people, I would have been allowed to 21 receive my long-term disability payments 22 and I wouldn't have to retire until age 23 sixty-two.</p>	<p>1 company employed certain people to deal 2 with benefit plans, correct?</p> <p>3 A. Yes. But Jeff Johnston was 4 the one riding my back about how -- how I 5 was able to work and to work without 6 pain. That's who was harassing me.</p> <p>7 Q. That is not the question. The 8 question is whether Jeff Johnston had any 9 responsibility for administering the 10 company's short or long-term disability 11 plans?</p> <p>12 A. I believe so.</p> <p>13 Q. And that's just based on your 14 own conjecture?</p> <p>15 A. I believe so.</p> <p>16 Q. Just your personal belief?</p> <p>17 A. I believe so.</p> <p>18 Q. Did anybody at Albany ever 19 tell you that Jeff Johnston was 20 responsible for administering the short or 21 long-term disability plans?</p> <p>22 A. I didn't ask.</p> <p>23 Q. Your answer is no, no one ever</p>

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18 (Pages 355 to 358)

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<p>1 told you that?</p> <p>2 A. I didn't ask you.</p> <p>3 Q. Did anyone ever tell you that,</p> <p>4 whether you asked or not?</p> <p>5 A. I didn't ask.</p> <p>6 Q. I understand you didn't ask.</p> <p>7 Did anyone ever tell you?</p> <p>8 A. No.</p> <p>9 Q. Okay. When you went into the</p> <p>10 meeting on October the 29th, 2003, was it</p> <p>11 your desire to return as of that date to</p> <p>12 your full job duties at Albany?</p> <p>13 A. It was my desire that I get</p> <p>14 the proper help from the doctors so I</p> <p>15 could perform my job fully. I was being</p> <p>16 denied that right.</p> <p>17 Q. I'm trying to make sure I</p> <p>18 understand what it was that you wanted to</p> <p>19 have happen at that meeting.</p> <p>20 A. Yes.</p> <p>21 Q. What you wanted -- you knew</p> <p>22 you couldn't actually work then, you</p> <p>23 wanted someone to send you to a Workers'</p>	<p>1 so he had to take me off the medicine,</p> <p>2 because I couldn't function.</p> <p>3 Q. So the medication did not help</p> <p>4 you with depression?</p> <p>5 A. I don't know whether it helped</p> <p>6 me with it. The only thing -- it shut my</p> <p>7 body down.</p> <p>8 Q. Have you been on any</p> <p>9 medications for depression since leaving</p> <p>10 Albany?</p> <p>11 A. The fibromyalgia doctors, they</p> <p>12 tried to treat me with anti-depressants,</p> <p>13 but my body could not take any of them.</p> <p>14 So as of now, I take no anti-depressants.</p> <p>15 Q. Did you actually take some</p> <p>16 anti-depressants that your fibromyalgia</p> <p>17 doctor prescribed for a period of time?</p> <p>18 A. I was placed on two different</p> <p>19 medications. I don't remember the name.</p> <p>20 I couldn't take either one, not even a</p> <p>21 week.</p> <p>22 Q. What happened to you if you</p> <p>23 took the anti-depressants?</p>
Page 356	Page 358
<p>1 Comp doctor who would either -- who would</p> <p>2 take you off work and treat your injuries;</p> <p>3 is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever discuss long-term</p> <p>6 disability benefits with Jeff Johnston?</p> <p>7 A. No.</p> <p>8 Q. Did you ever discuss</p> <p>9 short-term disability benefits with Jeff</p> <p>10 Johnston?</p> <p>11 A. No.</p> <p>12 Q. When you went to EAP for</p> <p>13 depression prior to the letter that you</p> <p>14 wrote the EEOC in 2000, what medication</p> <p>15 did they put you on?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did it work?</p> <p>18 A. I was on three different</p> <p>19 medications. I don't remember the name of</p> <p>20 the medication. One was to wake me up,</p> <p>21 one was to lay me down, and one was help</p> <p>22 me function during the day. In the</p> <p>23 process, the medication was overwhelming,</p>	<p>1 A. I was shut down all day. I</p> <p>2 couldn't function.</p> <p>3 Q. Have you been able to function</p> <p>4 without the anti-depressants?</p> <p>5 A. I live in constant pain every</p> <p>6 day, all day.</p> <p>7 Q. Do you consider yourself to be</p> <p>8 an emotionally stable person?</p> <p>9 A. Yes.</p> <p>10 Q. And has that been true at all</p> <p>11 times since you left your employment with</p> <p>12 Albany International?</p> <p>13 A. No.</p> <p>14 Q. At what point were you not</p> <p>15 emotionally stable?</p> <p>16 Will you answer the question?</p> <p>17 MS. WILLIAMS: Are you okay?</p> <p>18 A. I have not been able to think</p> <p>19 about what happened to me. It destroyed</p> <p>20 me, ma'am. To constantly think about what</p> <p>21 I went through, how I worked twenty-four</p> <p>22 and a half years on that job, how I gave</p> <p>23 it my all, how I was one employee that</p>

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19 (Pages 359 to 362)

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<p>1 they could count on.</p> <p>2 And for me to be sitting here</p> <p>3 to explain myself to you right now, I</p> <p>4 don't know whether you call it stable or</p> <p>5 not, but it is not comfortable to think</p> <p>6 about it. So if you call me stable, then</p> <p>7 I'm stable. If you call me unstable, then</p> <p>8 I'm unstable.</p> <p>9 Q. I'm not calling you anything.</p> <p>10 I'm asking you whether you are emotionally</p> <p>11 unstable.</p> <p>12 A. I don't know.</p> <p>13 Q. What doctors have treated you</p> <p>14 for depression since you left Albany?</p> <p>15 A. Montgomery Area Mental Health.</p> <p>16 Q. Anybody else?</p> <p>17 A. I couldn't take the medicine.</p> <p>18 They didn't administer the medicine, just</p> <p>19 counseling. I cannot take -- or my body</p> <p>20 will not accept the depressive --</p> <p>21 anti-depressants.</p> <p>22 Q. When did you begin going to</p> <p>23 Montgomery Area Mental Health?</p>	<p>1 A. I was out of the building.</p> <p>2 Q. Is that a no?</p> <p>3 A. No.</p> <p>4 Q. Norma Heath was your union rep</p> <p>5 during the October 29th, 2003, meeting; is</p> <p>6 that correct?</p> <p>7 A. Yes. She was there.</p> <p>8 Q. Was she there during the</p> <p>9 entire meeting?</p> <p>10 A. Yes.</p> <p>11 Q. Have you spoken with her since</p> <p>12 leaving Albany?</p> <p>13 A. No.</p> <p>14 MS. SWAIN: Lets take a</p> <p>15 break.</p> <p>16 10:47 AM</p> <p>17 (Short recess)</p> <p>18 11:02 AM</p> <p>19 MS. SWAIN: I'm done.</p> <p>20</p> <p>21 EXAMINATION BY MS. WILLIAMS:</p> <p>22 Q. Ms. Davis, I have a couple of</p> <p>23 questions for you.</p>
Page 360	Page 362
<p>1 A. It was in 2004.</p> <p>2 Q. Are you still being treated</p> <p>3 there?</p> <p>4 A. No.</p> <p>5 Q. When did you stop going to</p> <p>6 Montgomery Area Mental Health?</p> <p>7 A. Probably late 2004, early</p> <p>8 2005. I don't know.</p> <p>9 Q. Did anybody other than</p> <p>10 Montgomery Area Mental Help ever treat you</p> <p>11 for depression since you left Albany?</p> <p>12 A. No.</p> <p>13 Q. Did anyone other than the EAP</p> <p>14 and the doctor that you went to just</p> <p>15 following that treat you for depression</p> <p>16 prior to your leaving Albany?</p> <p>17 A. No.</p> <p>18 Q. Did you ever ask anyone at</p> <p>19 Albany whether your employment had been</p> <p>20 terminated?</p> <p>21 A. No.</p> <p>22 Q. Did you file any grievance</p> <p>23 over what you claim was a termination?</p>	<p>1 Can you tell us how many times</p> <p>2 you have been injured at the company? Do</p> <p>3 you remember each time that you have been</p> <p>4 injured?</p> <p>5 A. I remember about five times.</p> <p>6 About five.</p> <p>7 Q. And during those five times,</p> <p>8 were you actually sent to see the Workers'</p> <p>9 Compensation doctors for those injuries?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And tell us, again,</p> <p>12 those doctors' names.</p> <p>13 A. The first time -- well, I will</p> <p>14 state it like this. The first time I went</p> <p>15 -- when I first got injured, I saw my</p> <p>16 personal doctor.</p> <p>17 Q. What is your personal doctor's</p> <p>18 name?</p> <p>19 A. It was Dr. Fallahi.</p> <p>20 Q. Okay.</p> <p>21 A. Then I was sent from</p> <p>22 Dr. Fallahi to, I believe it was,</p> <p>23 Dr. Goodman. I'm not sure. I believe it</p>

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20 (Pages 363 to 366)

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<p>1 was Dr. Goodman. Then I was sent to a 2 Dr. Dunavant. I saw a Dr. Ryan. I 3 believe it was Dr. Richardson who did the 4 injections in my lower back. Who else? 5 That was for the first injury and rehab. 6 The second injury I think it 7 was also Dr. -- I can't remember the 8 second one. 9 Q. If you can't remember, that is 10 fine. 11 A. I think Dr. Goodman was the 12 company doctor for quite some time, but I 13 can't remember for how long. Then we went 14 to a Dr. Ulma (Phonetic), who was the 15 company doctor. And from Dr. Ulma to 16 Dr. Turner, the company doctors. And 17 these doctors would send me to 18 specialists. I saw a Dr. Kemp, he was 19 pain management, Dr. Miller, Dr. Katz, 20 Dr. Holt, Dr. Hartzog, Dr. Ulma, it was -- 21 Dr. Wade. I don't remember. 22 Q. Okay. 23 A. I don't remember.</p>	<p>1 When I went to his office that 2 day, he told me that -- I told him. He 3 said he didn't understand why I couldn't 4 finish the treatment. I told him -- I 5 clearly explained to him why. He told me 6 that he didn't see anything wrong anyway. 7 So I asked him -- I said, "You 8 stuck me in my spine three times and you 9 didn't see anything wrong with me." So I 10 told him when I got home that I will call 11 the insurance company and I will report 12 what he told me. I did report it to the 13 insurance company and I did report it to 14 Linda Jones. And this was Liberty -- I 15 think it was Liberty Mutual, the insurance 16 company at that time. 17 Okay. With Dr. Hartzog, I had 18 surgery. I was scheduled for surgery at 19 eleven o'clock that day. I don't know 20 what went wrong. I was brought in the 21 back about three o'clock. I was prep'd, 22 or whatever you called it, for surgery -- 23 but, anyway, when I woke up it was five</p>
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<p>1 Q. During the time that you were 2 seeing these doctors, did any of the 3 doctors actually make any statements 4 regarding your condition -- medical 5 condition or your medical treatment that 6 you were actually receiving? 7 A. Explain that. 8 Q. Did they tell you -- did the 9 doctors tell you anything about your 10 treatment, why they were treating you and 11 the reason for the injuries, or anything 12 of that nature? 13 MR. POWELL: Object to the 14 form. 15 A. When I went to Dr. Dunavant, 16 this was for my lower back. I was 17 receiving the injections. I complained 18 about I couldn't -- I couldn't complete -- 19 I did two injections, but I couldn't do 20 the third one. I explained to him what 21 the injection was doing. They were making 22 me have heart pain, they were making my 23 heart beat rapid.</p>	<p>1 thirty. I hadn't had surgery. So I had 2 to be reprep'd and -- in other words, I 3 had the surgery, but it was like about ten 4 o'clock when I left there that night. 5 When they got ready to take me 6 out of the surgery, get me -- dress me to 7 leave, I sneezed and I started urinating. 8 I urinated from then till about, off and 9 on, three o'clock in the morning. I asked 10 the nurse -- I said, "Would you go get 11 Dr. Hartzog and let him know that 12 something is wrong. This is not normal." 13 She told me that, "Well, he is 14 going to send you home anyway. Your 15 company -- Workers' Comp said this is 16 outpatient, you go home." And this is 17 what happened to me. 18 I reported this -- the company 19 had a nurse to call, I guess, to check to 20 see what was going on or how did the 21 surgery come. I explained to her what 22 happened, I explained to Linda Jones what 23 happened.</p>

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21 (Pages 367 to 370)

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<p>1 On another occasion, I went to 2 see Dr. Garrison -- first, Michael 3 Turner. I would go and I would tell him a 4 complaint about the pain that I was in. 5 Sometimes he would give me restrictions, 6 sometimes he didn't. The last time I was 7 in his office he told me that either I was 8 crazy or he was. 9 So then I was told by Donna 10 Smith that I wouldn't be seeing Dr. Turner 11 anymore. After that I was sent to 12 Dr. Garrison. I saw Dr. Garrison the 13 first time, and he sent me back to work. 14 I went back to work on this 15 occasion. Barbara Smith saw me limping 16 and she called up front and, in turn, Gay 17 Drake called the doctor. They sent me to 18 the doctor. When I left home I went to 19 Dr. Garrison's office. He was not there. 20 I had to go back across town to 21 Dr. Sweet's office. Dr. Sweet took me off 22 the job. 23 Okay. When I went back for my</p>	<p>1 through their office. They didn't do 2 anything to correct whatever was going on 3 in my body. They just allowed me to go 4 on. The pain just constantly build. I 5 worked. I worked. I went in and I worked 6 in pain, no matter what. I worked. The 7 pain got so excruciating that I could not 8 promise Mr. Johnston that I could not work 9 in pain. 10 Q. Ms. Davis, you testified 11 earlier that the Workers' Compensation 12 doctors would not take you off the job. 13 Why do you think that they would not take 14 you off? 15 MS. SWAIN: Objection. 16 A. Well, I believe that the 17 Workers' Comp doctors -- they told me that 18 they were under the company. Dr. Hartzog 19 told me that when I had rotator tear 20 surgery -- the next day he sent me back to 21 work. I had morphine in my arm and a 22 pillow under my arm. 23 I told Dr. Hartzog -- I said,</p>
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<p>1 next exam, they sent me back to 2 Dr. Garrison. When I went to 3 Dr. Garrison, he -- that's when he told me 4 about the -- giving me the herbs -- a list 5 of herbs, telling me to run around the 6 track four times, when I started dragging 7 my leg, to come back to him. But in this 8 visit he also told me, too, that it was 9 something that he could do for me but the 10 Workers' Comp would not approve it. 11 I don't know whether I'm 12 answering the questions or whether I'm 13 rambling. 14 Q. You are doing fine. 15 A. But I -- it has been a history 16 throughout -- since I received injuries of 17 the treatment that I received from the 18 doctors. I have complained to the company 19 on several -- well, whoever was in charge 20 on several occasions. Nothing has been 21 done about it. Nothing. 22 I was still sent to these 23 doctors and these doctors just passed me</p>	<p>1 "Dr. Hartzog, I won't be able to drive." 2 He said, "Don't you have an automatic." 3 That's exactly what he said to me. He 4 also told me -- I said, "Well, my company 5 don't have anything for me to do with the 6 pillow under my arm," and my company don't 7 -- I can't even tend to my personal -- if 8 I go to the bathroom, I can't even take 9 care of myself. 10 He told me that he was -- my 11 company said that they had -- in other 12 words, it was left up to the company to 13 decide whether I be at work or not be at 14 work. 15 Q. Okay. So, based on your 16 treatment by him, did you return to work? 17 A. Yes. 18 Q. Okay. Did you at any point or 19 at any time tell any employee of Albany 20 International that you were not willing to 21 work? 22 MS. SWAIN: Object to the 23 form.</p>

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22 (Pages 371 to 374)

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<p>1 A. No. No.</p> <p>2 Q. Okay. Did you, in fact,</p> <p>3 return to work?</p> <p>4 A. Yes.</p> <p>5 Q. I'm going to show you what was</p> <p>6 previously marked as Defendant's Exhibit</p> <p>7 Number 6. Give you a few minutes to look</p> <p>8 at it. (Hands document)</p> <p>9 A. All right.</p> <p>10 Q. Okay. Do you remember</p> <p>11 reviewing this form earlier?</p> <p>12 A. Yes.</p> <p>13 Q. And can you tell us exactly</p> <p>14 what this form is.</p> <p>15 A. This is short-term disability</p> <p>16 claim.</p> <p>17 Q. Did you at some point complete</p> <p>18 this form?</p> <p>19 A. Yes.</p> <p>20 Q. And, as you have seen, there</p> <p>21 are several pages -- eight pages of this</p> <p>22 form. Did you complete all eight pages?</p> <p>23 A. No.</p>	<p>1 claim been filed?" "Yes."</p> <p>2 Q. Is there anything else</p> <p>3 indicated near that block?</p> <p>4 A. It says, "For prior injury."</p> <p>5 Q. Did you complete that block?</p> <p>6 A. Yes, I guess -- no. I don't</p> <p>7 know whether I did or not. I don't know.</p> <p>8 Q. At the bottom of the page</p> <p>9 there is a name that says Linda Jones.</p> <p>10 Did she actually complete the document,</p> <p>11 those two -- first two pages?</p> <p>12 MS. SWAIN: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Who is Ms. Jones?</p> <p>15 A. She handled medical records,</p> <p>16 claims, stuff of that sort. I don't know</p> <p>17 what her title was.</p> <p>18 Q. Okay. And would you know</p> <p>19 why -- or do you know why the box next to,</p> <p>20 "Has the employee indicated that the</p> <p>21 absence is work related" -- and it is</p> <p>22 checked no -- do you know why that was</p> <p>23 checked?</p>
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<p>1 Q. Can you tell us which pages</p> <p>2 you completed?</p> <p>3 A. I think -- I think pages -- I</p> <p>4 don't know -- I know I did this one. I</p> <p>5 see my name signed to two. There is a</p> <p>6 portion -- I believe these two</p> <p>7 (Indicating).</p> <p>8 Q. You completed two pages of the</p> <p>9 eight pages; is that correct?</p> <p>10 A. I believe so.</p> <p>11 Q. All right. Let me direct your</p> <p>12 attention to page two of this document,</p> <p>13 about middle ways. Can you tell us</p> <p>14 exactly what that says? Can you see</p> <p>15 that?</p> <p>16 A. Oh, yeah. It says, "Has the</p> <p>17 employee indicated that the absence is</p> <p>18 work related," and it says no.</p> <p>19 Q. Did you check that box?</p> <p>20 A. No.</p> <p>21 Q. Okay. And can you read that</p> <p>22 for us -- the second part of that.</p> <p>23 A. "Has a Workers' Compensation</p>	<p>1 A. No.</p> <p>2 Q. Okay. Would you know why the</p> <p>3 Workers' Compensation box is actually</p> <p>4 checked yes?</p> <p>5 A. Because it was a Workers' Comp</p> <p>6 injury that I was going to the doctor for.</p> <p>7 Q. But is there any indication,</p> <p>8 based on Ms. Jones' completion of the</p> <p>9 first two pages, that this is a Workers'</p> <p>10 Compensation injury?</p> <p>11 MR. POWELL: Object to the</p> <p>12 form.</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A. This (Indicating). Yes.</p> <p>15 Q. There is?</p> <p>16 A. Yes.</p> <p>17 Q. Is it for a prior injury?</p> <p>18 A. Yes.</p> <p>19 Q. But this particular instance,</p> <p>20 was this work related?</p> <p>21 A. No -- yes. It was work</p> <p>22 related, yes.</p> <p>23 Q. Okay. It was work related?</p>

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23 (Pages 375 to 378)

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<p>1 A. Yes.</p> <p>2 Q. Okay. So why is the block</p> <p>3 that says that it is not work related</p> <p>4 checked; do you know?</p> <p>5 A. I don't know.</p> <p>6 Q. Okay. But once you completed</p> <p>7 pages, I think, four and five of the</p> <p>8 document, it was your intention to</p> <p>9 complete the form because it was work</p> <p>10 related?</p> <p>11 MS. SWAIN: Objection to the</p> <p>12 form.</p> <p>13 A. Yes.</p> <p>14 Q. Now, just a little while ago</p> <p>15 Ms. Swain actually asked you if you</p> <p>16 thought that you were emotionally stable.</p> <p>17 Do you know what emotionally stable means?</p> <p>18 A. No.</p> <p>19 Q. Okay. I am going to show you</p> <p>20 what has been previously marked as</p> <p>21 Defendant's Exhibit Number 9. Do you</p> <p>22 remember reading that document?</p> <p>23 A. Yes.</p>	<p>1 A. Okay.</p> <p>2 Q. Can you tell me what is the</p> <p>3 description of the work on those days?</p> <p>4 MS. SWAIN: Objection.</p> <p>5 A. I don't know -- I don't know</p> <p>6 if -- like the Workers' Comp situation --</p> <p>7 more than likely I left to go to a doctor</p> <p>8 or I was going to therapy.</p> <p>9 Q. Was that based on work-related</p> <p>10 injuries?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And if you would look</p> <p>13 at October the 8th -- I think there are</p> <p>14 two blocks for October the 18th 2002; is</p> <p>15 that correct?</p> <p>16 A. Okay.</p> <p>17 Q. What is the description for</p> <p>18 that day, the second October 18?</p> <p>19 A. I don't know.</p> <p>20 Q. October the 18th --</p> <p>21 A. October the 18th.</p> <p>22 Q. -- description.</p> <p>23 A. Yeah. See, it says Workers'</p>
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<p>1 Q. And attached to that document</p> <p>2 is actually an attendance report. Do you</p> <p>3 remember reviewing that as well?</p> <p>4 A. Yes.</p> <p>5 Q. And on this particular sheet</p> <p>6 or attendance report, does it include the</p> <p>7 days that you have actually worked?</p> <p>8 A. I believe it is showing</p> <p>9 partial days.</p> <p>10 Q. Okay.</p> <p>11 A. Some are partial days.</p> <p>12 Q. Were you working those days?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 A. Partial days -- I don't know.</p> <p>15 I don't know. I don't know. No.</p> <p>16 Q. You were not working?</p> <p>17 A. Some -- some days are partial</p> <p>18 days --</p> <p>19 Q. Okay.</p> <p>20 A. -- that I was at work.</p> <p>21 Q. Let me direct your attention</p> <p>22 to October the 17th of 2002, and October</p> <p>23 the 18th, 2002; do you see that?</p>	<p>1 Comp and an absence.</p> <p>2 Q. Okay. Can you remember an</p> <p>3 absence on that day?</p> <p>4 A. No.</p> <p>5 Q. Okay. But there was a</p> <p>6 Workers' Compensation -- something going</p> <p>7 on that day; is that correct?</p> <p>8 MS. SWAIN: Objection.</p> <p>9 A. Yes.</p> <p>10 Q. And you were granted Workers'</p> <p>11 Compensation based on this document for</p> <p>12 that day?</p> <p>13 MS. SWAIN: Objection.</p> <p>14 MR. POWELL: Same objection.</p> <p>15 A. Yes.</p> <p>16 Q. But not granted for the entire</p> <p>17 day; is that correct?</p> <p>18 A. Not the entire day.</p> <p>19 Q. Okay. Is that the pattern and</p> <p>20 practice of Albany International?</p> <p>21 MR. POWELL: Objection to the</p> <p>22 form.</p> <p>23 MS. SWAIN: Objection.</p>

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24 (Pages 379 to 382)

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<p>1 A. Yes.</p> <p>2 Q. Okay. Can you describe -- or</p> <p>3 what is the procedure for taking Leave of</p> <p>4 Absence at Albany?</p> <p>5 A. To take Leave of Absence a</p> <p>6 doctor would have to declare that I am</p> <p>7 sick or he is taking me off for an illness</p> <p>8 or giving me recovery time.</p> <p>9 Q. Okay.</p> <p>10 A. And, in turn, I would have to</p> <p>11 go to Linda Jones to get a document to</p> <p>12 take to the doctor to fill out. And the</p> <p>13 doctor mailed that portion to her, the</p> <p>14 portion that he fills -- that he fills</p> <p>15 out. But it has to be declared by a</p> <p>16 doctor that I'm not able to work that day</p> <p>17 or ever how many days that I'm not</p> <p>18 working.</p> <p>19 Q. Okay. What is the procedure</p> <p>20 for short-term and long-term disability?</p> <p>21 MR. POWELL: Object to the</p> <p>22 form.</p> <p>23 MS. SWAIN: Objection.</p>	<p>1 occasions. We had something placed in my</p> <p>2 locker -- a document letting me know the</p> <p>3 things that the M-3000 was doing and</p> <p>4 causing injuries to our bodies.</p> <p>5 Q. Do you know who placed that</p> <p>6 document there?</p> <p>7 A. No.</p> <p>8 Q. I'm going to show you what we</p> <p>9 will mark as Plaintiff's Exhibit Number 1.</p> <p>10 (WHEREUPON, a document was</p> <p>11 marked as Plaintiff's Exhibit 1 and is</p> <p>12 attached to the original transcript.)</p> <p>13 Q. Do you recognize that</p> <p>14 document?</p> <p>15 A. Yes.</p> <p>16 Q. Is that the document that you</p> <p>17 were referring to?</p> <p>18 A. Yes.</p> <p>19 Q. Is that the complete</p> <p>20 document? Get you to review it.</p> <p>21 A. I believe so.</p> <p>22 Q. Okay. And what did you learn</p> <p>23 in that document?</p>
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<p>1 A. Short-term disability is when</p> <p>2 I'm out -- like during any work period I</p> <p>3 have to be off sick. Long-term</p> <p>4 disability -- I don't even know how that</p> <p>5 works. But I know it is when -- there is</p> <p>6 an insurance that we pay into. When you</p> <p>7 become disabled to work, you are to be</p> <p>8 paid -- this was a benefit, because you</p> <p>9 are having -- been determined disabled</p> <p>10 long-term.</p> <p>11 Q. Was there a requirement that</p> <p>12 you be off for so many days to get that?</p> <p>13 MR. POWELL: Object to the</p> <p>14 form.</p> <p>15 A. I don't know.</p> <p>16 Q. Okay.</p> <p>17 A. I don't know.</p> <p>18 Q. You testified earlier that</p> <p>19 this machine -- that the M-3000 was</p> <p>20 causing injuries. How do you know that</p> <p>21 that machine was causing injuries?</p> <p>22 A. Because I was -- I was -- I</p> <p>23 was injured on the machine on several</p>	<p>1 MR. POWELL: Object to the</p> <p>2 form.</p> <p>3 A. That --</p> <p>4 MS. SWAIN: Same objection.</p> <p>5 A. -- repetitive motion had</p> <p>6 caused a lot of the injuries that we had</p> <p>7 acquired on the job while performing and</p> <p>8 doing this job.</p> <p>9 Q. And did you bring that to the</p> <p>10 attention of any of the employees of</p> <p>11 Albany International?</p> <p>12 MR. POWELL: Object to the</p> <p>13 form.</p> <p>14 MS. SWAIN: Objection.</p> <p>15 A. Yes. Other employees knows</p> <p>16 about it.</p> <p>17 Q. Okay. And what was done based</p> <p>18 on that?</p> <p>19 MS. SWAIN: Objection.</p> <p>20 MR. POWELL: Same.</p> <p>21 A. So far, nothing, I don't</p> <p>22 think.</p> <p>23 Q. Did the company do anything in</p>

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25 (Pages 383 to 386)

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<p>1 response to the study that was done in 2 2003?</p> <p>3 MS. SWAIN: Objection.</p> <p>4 A. I believe that's when we 5 started doing the exercising. They 6 started the exercising, you know. Like 7 you get up a portion of the day to 8 stretch, and then you do it both -- two 9 times a day, morning and evening.</p> <p>10 Q. And all employees were 11 required to do the exercises?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did you complete the 14 exercises?</p> <p>15 A. I was not able to do -- I 16 could do some of the exercises, but I was 17 not able to do all of the exercises.</p> <p>18 Q. Was anyone present when the 19 exercises were performed?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell us who was 22 present.</p> <p>23 A. Day shift, Tim Woodward or</p>	<p>1 MS. SWAIN: Objection.</p> <p>2 A. Constantly being injured, 3 constantly being harassed, constantly 4 asking for help and being denied. I have 5 worked -- and I stated that I worked 6 twenty-four and a half years there. I 7 worked hard. I did my job to the best of 8 my ability.</p> <p>9 I did things that some 10 operators weren't able to do. And out of 11 all of the work -- how hard I did, I 12 worked. My job was just taken from me. 13 All of my benefits, dignity, just a whole 14 bunch of humiliation. I was robbed.</p> <p>15 Q. Ms. Davis, I think initially 16 when the deposition actually began defense 17 counsel actually showed you a complaint 18 that has been -- actually been filed in 19 State court. It's previously marked as 20 Defendant's Exhibit Number 1. Do you 21 remember reviewing that document?</p> <p>22 A. Yes.</p> <p>23 Q. And can you tell us what it</p>
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<p>1 either Barbara Smith. Evening shift would 2 be -- third shift, we were basically -- 3 you know, the lead person would turn the 4 machine off, turn the tape on, then we 5 would do the exercise.</p> <p>6 Q. Okay. So did they monitor the 7 employees doing the exercise? Did they 8 take notes?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. You testified earlier 11 that you have suffered from some 12 depression; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And is that depression caused 15 by the work environment at Albany?</p> <p>16 MR. POWELL: Object to the 17 form.</p> <p>18 MS. SWAIN: Objection.</p> <p>19 A. Yes.</p> <p>20 Q. Can you tell us what has 21 actually caused the depression.</p> <p>22 MR. POWELL: Object to the 23 form.</p>	<p>1 is?</p> <p>2 A. It's a complaint that I filed 3 with Mr. Abel on the Workers' Comp.</p> <p>4 Q. Okay. And let me direct your 5 attention to page three of that document. 6 Do you remember reviewing that page as 7 well?</p> <p>8 A. Yes.</p> <p>9 Q. And I think defense counsel 10 previously asked if the sole reason for 11 actually filing that complaint was for 12 Workers' Compensation benefits; is that 13 correct?</p> <p>14 MS. SWAIN: Objection.</p> <p>15 MR. POWELL: Object to the 16 form.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And was that the sole 19 reason -- or is Workers' Compensation 20 benefits the sole reason for filing that 21 complaint?</p> <p>22 A. No.</p> <p>23 Q. Okay. And who is the attorney</p>